

**ZB# 99-34**

**Kathleen Fox**

**43-1-64**

Helms

~~Aug. 9, 1999~~

~~NO STATE~~

March 27, 2000

Public Hearing:

June 12, 2000.

Area

Variance

approved.

14' rear yd.

Refund:

\$ 136.50

Notice to Paper.

#99-34 A Public Hearing:

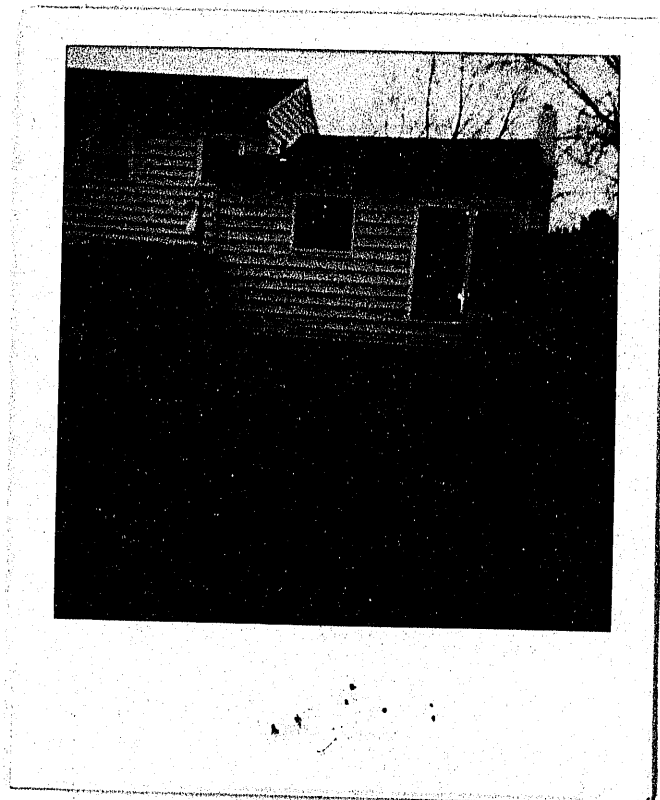
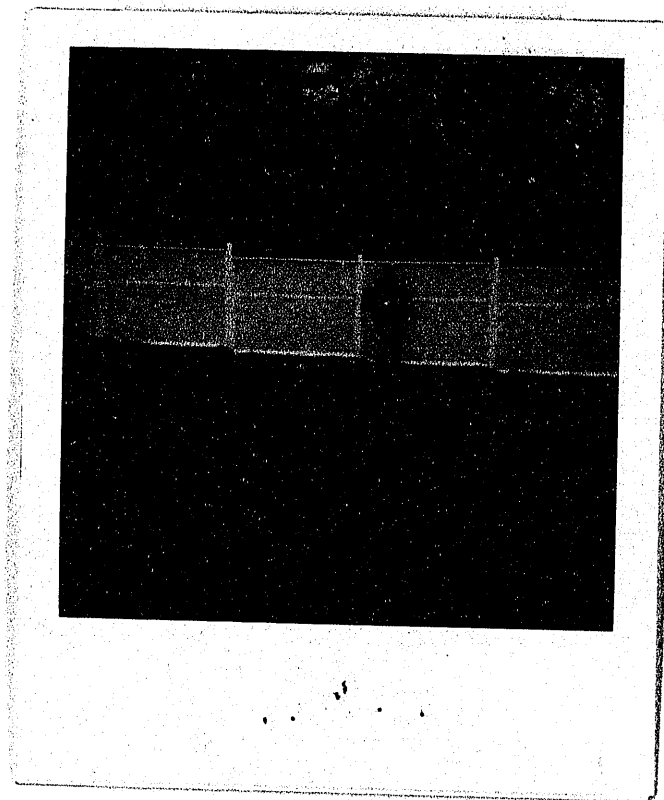
July 10, 2000.

Wanted 18 ft.

4-0 graded.

#99-34 - Fox, Kathleen  
-34A

Area - 43-1-64.



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Fox, Tom & Kathleen

FILE# 99-34

RESIDENTIAL: \$50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE     

APPLICATION FOR VARIANCE FEE ..... \$ 50.00

panel CK #  
3509  
5/12/00  
panel # 3509

ESCROW DEPOSIT FOR CONSULTANT FEES ..... \$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 9/9/99-1 \$ 4.50

2ND PRELIMINARY- PER PAGE 3/27/2000-4 \$ 18.00

3RD PRELIMINARY- PER PAGE 6/12/00-8 \$ 36.00

PUBLIC HEARING - PER PAGE ..... \$     

PUBLIC HEARING (CONT'D) PER PAGE ..... \$     

TOTAL ..... \$ 58.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 9/9/99 ..... \$ 35.00

2ND PRELIM. 3/27/00 ..... \$ 35.00

3RD PRELIM. 6/12/00 ..... \$ 35.00

PUBLIC HEARING ..... \$     

PUBLIC HEARING (CONT'D) ..... \$     

TOTAL ..... \$ 105.00

MISC. CHARGES:

..... \$     

TOTAL ..... \$ 163.50

LESS ESCROW DEPOSIT ..... \$ 300.00

(ADDL. CHARGES DUE) ..... \$     

REFUND DUE TO APPLICANT .. \$ 136.50

THOMAS J. FOX  
KATHLEEN FOX  
145 SPRING ROCK RD.  
NEW WINDSOR, NY 12553  
PH 516-555-9918

DATE *3/2/2000*

3508

PAY TO THE ORDER OF *James M. Winden*

*Five*

50.00

DOLLARS

THE BANK OF NEW YORK

261-499-34

*Kathleen Fox*

145 SPRING ROCK RD. NEW WINDSOR, NY 12553 PH 516-555-9918

THOMAS J. FOX  
KATHLEEN FOX  
145 SPRING ROCK RD.  
NEW WINDSOR, NY 12553  
PH 516-555-9918

DATE *3/12/2000*

3509

PAY TO THE ORDER OF *James M. Winden*

*Three Hundred*

300.00

DOLLARS

THE BANK OF NEW YORK

261-499-34

*Kathleen Fox*

145 SPRING ROCK RD. NEW WINDSOR, NY 12553 PH 516-555-9918

-----X  
In the Matter of the Application of

**KATHLEEN FOX**

**MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCE**

#99-34A.  
-----X

**WHEREAS, KATHLEEN FOX**, residing at 14 Spring Rock Road, New Windsor, New York 12553, have made application before the Zoning Board of Appeals for a 18 ft. rear yard variance for construction of an attached pool deck at the above address in an R-4 zone; and

**WHEREAS**, a public hearing was held on the 10th day of July, 2000 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, Applicant appeared on behalf of this Application; and

**WHEREAS**, there no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in opposition to this Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in a neighborhood containing one-family homes.

(b) The Applicant constructed a deck pursuant to a previously-granted variance under date of June 12, 2000. When constructed, the deck was beyond the limits of the variance by 2 ft. and the Applicant seeks an additional variance to permit retention of the deck as constructed.

(c) The deck was originally constructed as two decks that are now connected enhancing its safety and appearance.

- (d) The deck does not create any run-offs or hazards or water hazards.
- (e) There are no complaints on file with the Building Inspector.
- (f) The deck is not constructed on top of any well or septic system or water or sewer easement.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variances requested are substantial in relation to the Town regulations but nevertheless are warranted for the reasons listed above.
4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variances.

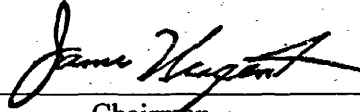
**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for an 18 ft. rear yard variance for an existing attached deck at the above residence, in an R-4 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: September 11, 2000.

A handwritten signature in black ink, appearing to read "James H. Houghton", is written over a horizontal line.

Chairman



Date ..... 7/17/00 ..... 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... Frances Roth ..... DR.

168 N. Drury Lane  
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
7/10/00	Zoning Board Mtg			75.00
	Mis. 1			
	Molina - 5			
	Ferguson - 3			
	Hecht - 9			
	Dunkin Daults - 1			
	Maresco - 2			
	Schwartz - 3			
	Fox - 4			126.00
	<u>28</u>			<u>201.00</u>

FOX, KATHLEEN

Ms. Kathleen Fox appeared before the board for this proposal.

MR. NUGENT: Request for 18 ft. rear yard variance for attached deck at 14 Spring Rock Road in an R-4 zone. Is there anybody here for Kathleen Fox other than Kathleen Fox? Let the record reflect there's no one. You're on.

MS. FOX: We applied to put up a pool deck, we did that and then we put up a deck on the back of our house and we measured it and it was two feet short because when you attach the two decks cause of the little plankway that we put in to get from one deck to the other, you have to measure from the furthest point of the deck and when we were here that night, we estimated two feet off. So I came back the next morning and I asked and they said no, you can't do that, you have to go through the process again, so that's why I'm here.

MR. NUGENT: So actually need 14 feet?

MS. FOX: I need two feet more than whatever was said on the paper.

MR. NUGENT: Well, the paper says ten, but the new written in number is 14, so that gives you two extra feet.

MS. FOX: You gave me two extra to make sure.

MR. NUGENT: Yes.

MR. BABCOCK: She still needs another two.

MS. FOX: I do not. Do I really?

MR. KRIEGER: Application--

MS. BABCOCK: I have 18.

MR. KANE: Paperwork says 18.

MR. NUGENT: You're right, this says 14.

MR. BABCOCK: The address is 14 Spring Rock. We have no new disapprovals.

MR. NUGENT: It's marked 14 and I think that's what we did that night.

MR. TORLEY: The actual variance required is 18 feet.

MR. BABCOCK: I'm totally confused.

MR. KANE: If we gave her 14 and she needs 2, that's 16.

MR. NUGENT: She's asking for 18, so she's covered in any case. Is that what we're doing?

MR. KANE: Let's do it that way.

MR. BABCOCK: Nothing changed, Mr. Chairman, what happened was when the contractor drew up the plan, they didn't think it really mattered as far as the scale of the plan which one stuck out the further so the morning after the Zoning Board, we told her you're all set, go ahead and build the deck. The contractor dug the footings. When we went there, we said oh, it's a problem. So when we started doing the measurements, we found out that she's two foot short of what she needs there. So you gentlemen, I think it was Larry that said we'd go four foot. The deck's not getting any bigger, just so that there's no question because we're putting up a little line, we really don't have a stake there to measure from.

MR. KANE: Let's make it 18.

MR. TORLEY: Now, it would be impractical, financially impractical for you to modify the deck so to meet the zoning code as it stands?

MS. FOX: Oh, yes.

MR. TORLEY: And the connecting of the decks together in your view enhances the safety and appearance of the

project?

MS. FOX: Yes.

MR. KANE: Creating any water runoffs, hazards whatsoever with the building of the deck.

MS. FOX: No.

MR. KANE: Any cutting down of trees?

MS. FOX: No.

MR. TORLEY: Aside from the letters, no complaints from the neighbors?

MS. FOX: No, they all apologized to me after the incident in here.

MR. KRIEGER: Mike, you have no complaints on file over this?

MR. BABCOCK: No.

MR. KRIEGER: It's not on top of any well or septic system?

MS. FOX: No.

MR. KRIEGER: Water or sewer easement?

MS. FOX: No, it's not.

MR. NUGENT: Would you initial this disapproval please?

MR. KANE: Accept a motion?

MR. NUGENT: Yes.

MR. KANE: I move we approve the requested 18 foot rear yard variance for 14 Spring Rock Road for Kathleen Fox.

MR. MC DONALD: Second it.

ROLL CALL

July 10, 2000

25

MR. TORLEY	AYE
MR. MC DONALD	AYE
MR. KANE	AYE
MR. NUGENT	AYE

Date 6/26/00, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... Frances Roth  
168 N. Drury Lane ..... DR.  
Newburgh, N.Y. 12550  
.....

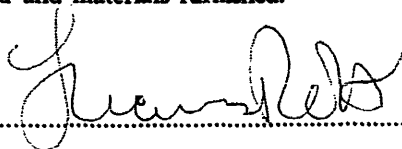
DATE			CLAIMED	ALLOWED
6/12/00		Timing Board Mtg	75 00	
		Misc - 1		
		Bohane - 3		
		Hunsinger - 5		
		Luongo - 4		
		Reynolds - 3		
		Fox - 8 \$36.00		
		L.G. Enterprises - 3		
		Transtastic - 9		
		U&R Associates - 5	184 50	
		41		
			259 50	

STATE OF NEW YORK,  
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No. ....

Town of New Windsor

Nature .....

Amount Claimed \$ .....

Amount Allowed \$ .....

Filled .....

I hereby certify that at a meeting of  
said Town Board held at the office of the  
Town Clerk on the ..... day

of ....., 19.....

the within claim was audited and allowed  
for the sum of

\$ .....

Clerk

PUBLIC HEARINGS:

FOX, KATHLEEN

MR. NUGENT: Request for 10 ft. rear yard variance for construction of a deck at 14 Spring Rock Road in an R-4 zone.

Mr. and Mrs. Fox appeared before the board for this proposal.

MR. NUGENT: Anyone here besides the applicant for Kathleen Fox?

MS. CORSETTI: For the record, we sent out 80 addressed envelopes to property owners within 500 feet. Those letters went out on May 15.

MRS. FOX: If we widened it, does it make a difference when we measured the back, it's 18 x 18, originally, we measured 16 x 16.

MS. CORSETTI: As long as he doesn't go into the rear yard, right.

MR. BABCOCK: Yeah, it appears that the side yard is some 42 feet, I mean, I don't know, by a survey, if there's a sharp angle to the side property line.

MR. FOX: It's actually wider on that side.

MR. BABCOCK: You'd have no problem, you want to bring the exact same size of the house straight out 16 feet?

MR. FOX: Right.

MR. NUGENT: I think we ought to make a notation on here, it says 16 x 16, want to make it 16 x 18 right on here?

MR. BABCOCK: Yeah, he's only here, Mr. Chairman, for the rear yard, basically, if you took, if he took his pool down, he can make it 30 or 40 feet, whatever the house is.



MS. CORSETTI: We want the record to be right.

MR. BABCOCK: Yeah.

MR. NUGENT: Just explain to the board what you want to do, why you want to do it and we'll get on with it.

MRS. FOX: We put up a pool two years ago, put up a deck last year on the pool, so as you can see by the back of the house, we'd like a deck to come out to connect to the pool so it's like a little walkway and it will all be one so I can cook on the deck and the kids can come in through there. Otherwise, they have to go around the back and in through the rear part of the house to get in, whereas, the deck, they can come straight into the kitchen when they come out onto one deck and up into the house on the other deck.

MR. FOX: Plus the kitchen patio's way over here, so you have to go all the way through the house with everything.

MR. TORLEY: By connecting the two decks, you'll also improve the safety of the pool by restricting the access to it?

MR. FOX: Exactly, it's true.

MR. KANE: Cutting down any trees, creating any water hazards whatsoever?

MRS. FOX: No.

MR. FOX: I'm going to be cutting the tree back just a section, not the whole tree.

MRS. FOX: It's a bush more than a tree.

MR. KRIEGER: It's designed to go behind the sliding door that's depicted on these pictures?

MRS. FOX: Yes.

MR. KRIEGER: If there weren't a deck, there'd be a drop of some, looks like at least four feet to the

ground?

MRS. FOX: Yes.

MR. KRIEGER: Without a deck, someone existing from the doorway would have a problem?

MRS. FOX: Yes.

MR. FOX: Sure.

MR. TORLEY: Mike, the reason that they're here because the deck is not contiguous to the pool, makes the pool part of the--

MR. BABCOCK: Actually, they would be here whether it was attached to the deck or not because they only have 46 foot from the rear of their house to the property line, so they would be allowed a 6 foot deck off the back of their house, they want to go out 16 feet so that's where the ten foot comes in. Is the outer edge of this new deck that you're going to build even with the outer edge of the pool deck?

MR. FOX: It's not far.

MRS. FOX: It's not going to connect.

MR. BABCOCK: So what you're saying is that when it's connected, they really need a variance from the pool deck back to the rear yard, we don't have that.

MR. NUGENT: It doesn't show that. Where is the pool?

MR. FOX: There's the railing for the pool deck right there and the deck will end here, just going to be a small walkway, stairs are coming off this.

MR. NUGENT: Now, this goes out further?

MR. FOX: No, it goes this way.

MR. NUGENT: Sideways?

MR. FOX: Yes.

MR. NUGENT: Doesn't come out any further?

MR. FOX: It's out probably two feet passed.

MR. TORLEY: So what we're getting at here the deck, if this deck attaches to this deck then it becomes, then we have to go to the furthest spot, now it's all one deck, even though it has stairs going up.

MR. NUGENT: I'm saying that right Mike?

MR. BABCOCK: Yeah.

MR. BABCOCK: I don't have any measurements of how far the pool deck is from the rear line.

MR. NUGENT: It's not going to be any further than this but the pool is.

MR. BABCOCK: The pool's okay.

MR. NUGENT: Then it doesn't matter because it's going to be--would you show this to him?

MR. BABCOCK: Mr. Chairman, I have that and I trust what you're saying.

MR. TORLEY: We want to make sure.

MR. BABCOCK: Right, that they're covered.

MRS. FOX: But the one we're building isn't going out as far as the pool deck.

MR. NUGENT: Once you attach it, it's considered one deck.

MR. TORLEY: How far out?

MR. NUGENT: How much farther is that?

MR. FOX: Foot or two difference.

MR. NUGENT: I would recommend that you go for a 12

foot variance instead of a 10.

MR. FOX: Do we have to start all over?

MS. CORSETTI: No, change it right now.

MR. NUGENT: I don't want you coming back in six months and telling me that you need a two foot variance.

MS. CORSETTI: We're going to change it from 10 to 12 foot rear yard.

MR. TORLEY: Are you sure that's enough?

MR. FOX: Should I call tomorrow morning?

MR. TORLEY: I move that we modify the requested variance to 14 feet rather than ten feet. It would be economically impractical for you to move the pool and deck so everything would fit within the area?

MR. FOX: You're right, absolutely.

MR. TORLEY: This is in an area where the houses have pools and decks similar but not necessarily the same?

MR. FOX: Similar, the house next door has a deck.

MR. NUGENT: At this time, I'd like to open it up to the public, if you have any comments, please keep them from being repetitious and anybody would like to speak?

MR. THOMAS METZNER: I'm still not clear on how far this deck is going to go out, is it going to touch the one they already have, they just built?

MR. NUGENT: Yes, yes.

MS. MARTHA LEONARD: I'm Martha Leonard, may I see the plans? What's the actual amount from the property line that a building has to be or structure has to be in the area?

MR. BABCOCK: It has to be 40 feet off the rear yard, they are proposal for this particular deck is going to

be 30 feet from the property line, but the problem they have is that once they put the stairs from this deck to the pool deck, now the pool deck is considered part of it. So now they are basically because of that, they need a variance for that deck also which would be 14 feet instead of the 10 feet, they have no intentions of building their deck any farther than 16 foot out.

MS. LEONARD: This is our property.

MRS. SALLY METZNER: This is coming out and connect?

MR. TORLEY: So nothing will be further to your property line than the pool is now.

MRS. FOX: Right and nothing on the side of where my shed is.

MRS. METZNER: You don't have much more room.

MR. METZNER: You have a door, you're going to put a door?

MS. LEONARD: No, there is a door.

MRS. FOX: See this is the back of our house and the deck is here for the pool and we want to put a deck here and there's going to be a set of stairs that attach to this one, so I don't have to walk all the way around.

MR. METZNER: You'll come in from here?

MRS. METZNER: So it's really closer to here.

MRS. FOX: Yes.

MS. LEONARD: I think our concern we put up this fence last summer which is a 6 foot fence as a privacy fence and the issue is they are now going to be building this deck which is going to be at this end of the house, it's going to be five feet up in the air, you know, it's a ways up in the air. We put up a 6 foot fence, now they can walk five feet up in the air so the privacy is negligible.

MR. NUGENT: No, ma'am, the new deck is only going to the bottom of the door, I don't think that's five feet off the ground.

MS. LEONARD: Three foot but if you're there, it's a long ways up in the air to get up to the pool now you can see the steps.

MRS. FOX: When I come out, Martha, the floor is going to be level with this, right, I can't see over your fence now, there's going to be, so I would just step out, I still can't see over your fence.

MRS. METZNER: The deck is going to be low.

MRS. FOX: It's going to come right to this, so when I step out--

MRS. METZNER: Steps up to the existing deck.

MR. NUGENT: That's right.

MRS. FOX: I'm not going to be more elevated so I could see over your fence into your area.

MS. LEONARD: What I am saying as opposed to standing on the ground, you're standing on a very low deck, you're now going to be three foot up in the air. If we have a 6 foot fence, you're standing halfway up and we can look over the top. I know that has nothing to do with the distance from the back.

MR. TORLEY: She can be standing up--

MS. LEONARD: There's a lot more space on the pool deck, it's now going to be a very large.

MRS. METZNER: How high off the ground is this, the new deck that you're putting up?

MR. FOX: This high.

MRS. FOX: I can't see over the fence now so if I'm stepping out, unless I, you know what I mean?

MR. NUGENT: We're not questioning whether you can see over the fence, the issue here is whether you need a variance to put the deck up and that's all we're going to address. Do you have any further questions? I'm going to close the public hearing and open it back up to the board. Any further questions by the board?

MR. KANE: No, sir.

MR. NUGENT: Then I'll accept a motion.

MR. KANE: Mr. Chairman, I move that we approve the proposal by Kathleen Fox for 14 foot rear yard variance for construction of a deck at 14 Spring Rock Road.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE

**OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

**DATE:** June 1, 1999

**APPLICANT:** Tom Fox  
14 Spring Rock  
New Windsor, New York 12553

565-9918

**PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:** May 26, 1999

**FOR :** attached deck

**LOCATED AT:** 14 Spring Rock

**ZONE:** R-4

**DESCRIPTION OF EXISTING SITE:** 43-1-64

**IS DISAPPROVED ON THE FOLLOWING GROUNDS:**

1. Proposed attached rear deck does not meet minimum rear yard set-back.

16 x 18' deck.



  
BUILDING INSPECTOR

PERMITTED 40'

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-4     USE: G-10

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

30'

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

10'  
REVISED  
TO 14 FT 6-12-00  
MB

REVISED 7-10-00  
TO 18 FT  
MB

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plan for building to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED

MAY 26 1999

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:  
Building Permit #: \_\_\_\_\_

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Tom & Kathleen Fox

Address 14 Spring Rock RD Phone 565-9918

Mailing Address 14 Spring Rock RD

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor Dosley General Contracting

Address 388 Blooming Grove Trnke Phone 569-0732

State whether applicant is owner, lessee, agent, architect, engineer or builder \_\_\_\_\_

If applicant is a corporation, signature of duly authorized officer. \_\_\_\_\_

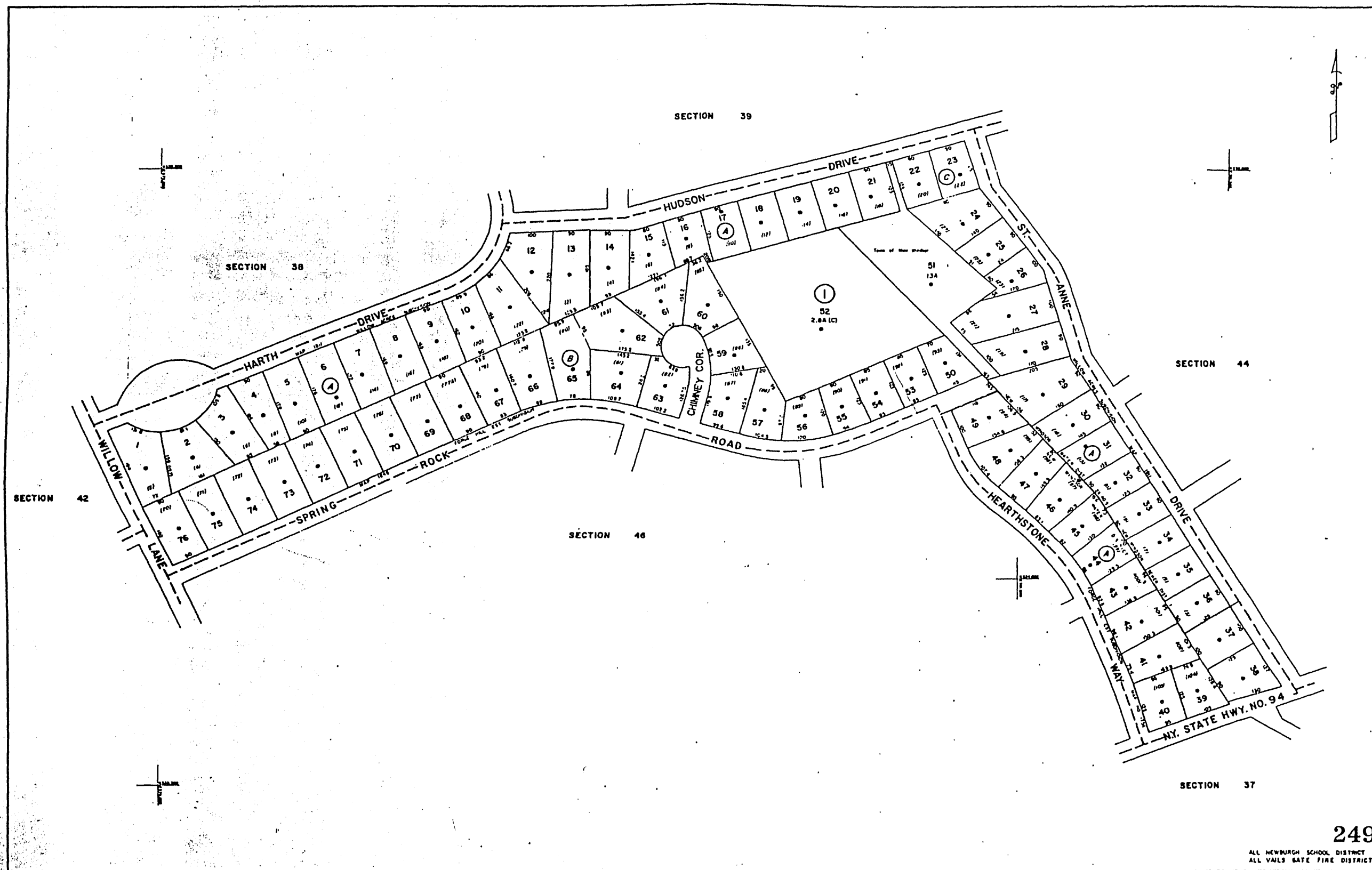
(Name and title of corporate officer)

1. On what street is property located? On the west side of Spring Rock RD.  
(N,S,E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_
2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_
3. Tax Map Description: Section 43 Block 1 Lot 64
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy \_\_\_\_\_ b. Intended use and occupancy \_\_\_\_\_
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☐
6. Is this a corner lot? \_\_\_\_\_ ATTACHED REN Deck 16'x1
7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_
8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_  
Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_  
Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \_\_\_\_\_

Fee \$ 50.00

Needs VARIANCE



249

ALL NEWBURGH SCHOOL DISTRICT  
ALL VALS BATE FIRE DISTRICT

Prepared by  
**AERO SERVICE CORPORATION**  
170 Broadway, New York 10038  
FOR TAX PURPOSES ONLY  
NOT TO BE USED FOR CONVEYANCE

LEGEND			
SUBDIVISION	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY TOWN VILLAGE	LOT LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK	SECTION LINE	AREA	STATE HIGHWAYS
SPECIAL LOT LINE	STREAKS	DIMENSIONS	COUNTY HIGHWAYS
PROPERTY LINE			TOWN ROADS

**ORANGE COUNTY~NEW YORK**  
 Photo No. 14-32,33 Date of Map 9-24-67  
 Date of Photo 3-1-63 Date of Revision 3-1-91  
 Scale 1" = 100'

**TOWN OF NEW WINDSOR**  
 Section No. 43

6/12/00

Public Hearing : Fox, Kathleen #00

Name:

Address:

Martha Leonard

3 Chimney Corners

Thomas Metzger

1 Chimney Corner

Sally Metzger

1 Chimney Corner

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR  
COUNTY OF ORANGE:STATE OF NEW YORK

X

In the Matter of the Application for Variance of

AFFIDAVIT OF  
SERVICE  
BY MAIL

Kathleen & Tom Fox

#99-34.

X

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at  
7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 15<sup>th</sup> day of May, 2000, I compared the 80  
addressed envelopes containing the Public Hearing Notice pertinent to this case  
with the certified list provided by the Assessor regarding the above application  
for a variance and I find that the addresses are identical to the list received. I  
then caused the envelopes to be deposited in a U.S. Depository within the Town  
of New Windsor.

Patricia A. Corsetti

Notary Public

Sworn to before me this

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

**RETAKE  
OF  
PREVIOUS  
DOCUMENT**

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR  
COUNTY OF ORANGE:STATE OF NEW YORK

X

In the Matter of the Application for Variance of

AFFIDAVIT OF  
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of New Windsor.

Patricia A. Corsetti

Notary Public

Sworn to before me this

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: \_\_\_\_\_

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises THOMAS AND KATHLEEN FOX  
Address 14 SPRING ROCK ROAD, NEW WINDSOR N.Y. 12553 Phone 914-565-9918  
Mailing Address SAME  
Name of Architect BRENDAN DOOLEY  
Address BLOOMING GROVE TURNPIKE, NEW WINDSOR NY 12553 Phone \_\_\_\_\_  
Name of Contractor BRENDAN DOOLEY  
Address BLOOMING GROVE TURNPIKE Phone \_\_\_\_\_  
State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER  
If applicant is a corporation, signature of duly authorized officer \_\_\_\_\_

(Name and title of corporate officer)

1. On what street is property located? On the \_\_\_\_\_ side of \_\_\_\_\_  
(N, S, E or W)  
and \_\_\_\_\_ feet from the intersection of \_\_\_\_\_

2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_

3. Tax Map Description: Section \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy ONE FAMILY DWELLING b. Intended use and occupancy DELETED to my Kitchen

5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front \_\_\_\_\_ Rear \_\_\_\_\_ Depth \_\_\_\_\_ Height \_\_\_\_\_ No. of stories \_\_\_\_\_

8. If dwelling, number of dwelling units: \_\_\_\_\_ Number of dwelling units on each floor \_\_\_\_\_

Number of bedrooms \_\_\_\_\_ Baths \_\_\_\_\_ Toilets \_\_\_\_\_ Heating Plant: Gas \_\_\_\_\_ Oil \_\_\_\_\_

Electric/Hot Air \_\_\_\_\_ Hot Water \_\_\_\_\_ If Garage, number of cars \_\_\_\_\_

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

10. Estimated cost \_\_\_\_\_ Fee \_\_\_\_\_

INSTRUCTIONS

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Lisi & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(914) 563-4618  
(914) 563-4693 FAX

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

6.18.2000  
date

6.28.2000  
date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors Frank Lisi & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(914) 563-4618  
(914) 563-4693 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

*Cathleen J. [Signature]*  
(Signature of Applicant)

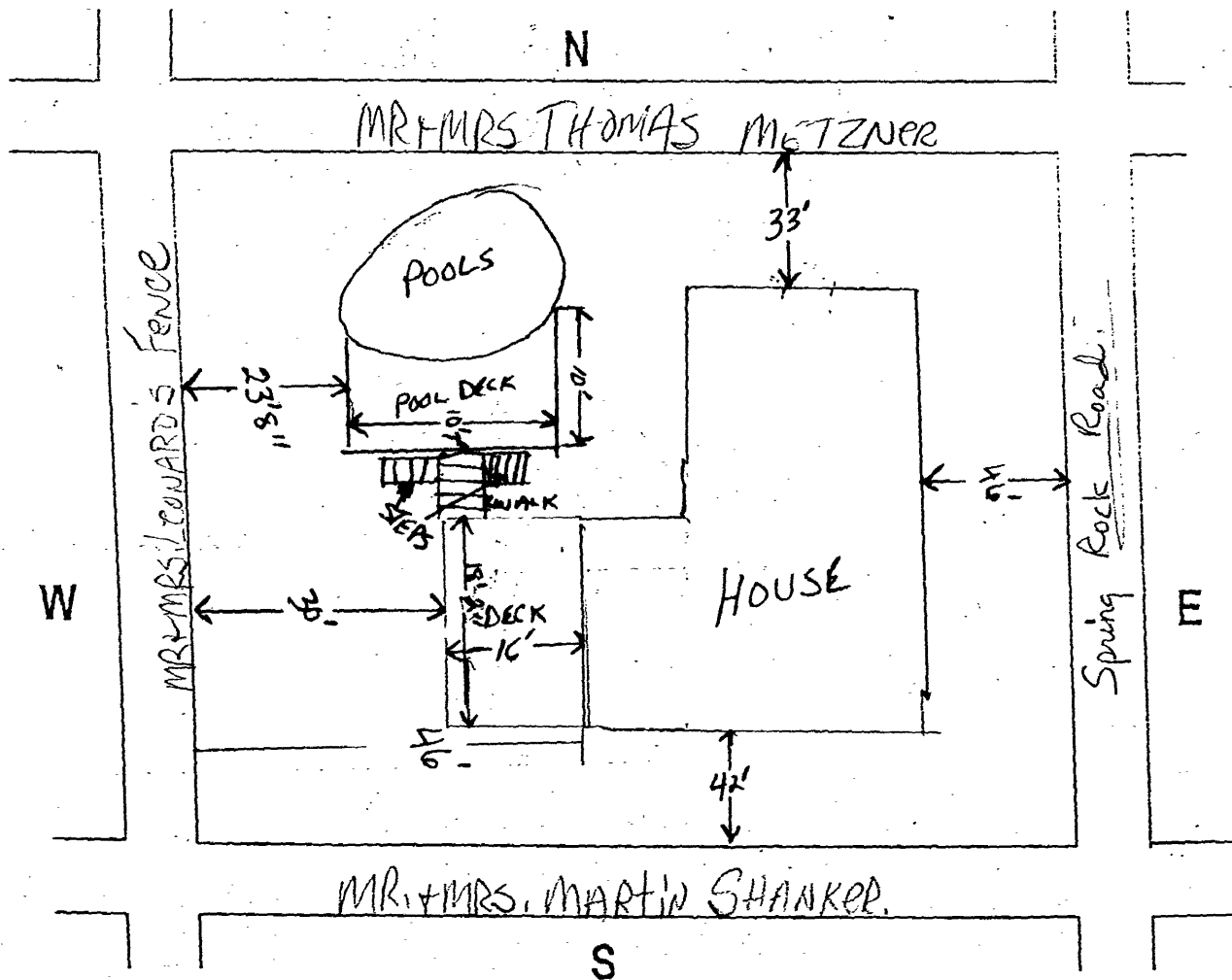
14 SPRING ROCK RD NEW WINDSOR NY 12553  
(Address of Applicant)

*Cathleen J. [Signature]*  
(Owner's Signature)

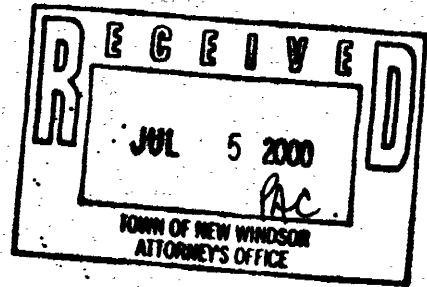
14 SPRING ROCK ROAD NEW WINDSOR NY 12553  
(Owner's Address)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



*Further*  
PUBLIC NOTICE OF HEARING  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR



PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 34A

Request of Kathleen Fox & Tom Fox

for a VARIANCE of the Zoning Local Law to Permit:

a deck w/ less than the allowable rear yard;

being a VARIANCE of Section 48-12-Table of Use/ Bulk Regs. - Col. G.

for property situated as follows:

14 Spring Rock Road, New Windsor, N.Y.

known and designated as tax map Section 43, Blk. 1 Lot 64

PUBLIC HEARING will take place on the 10<sup>th</sup> day of July, 2000, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent  
Chairman

By: Patricia A. Corsetti, Secy.

Date July 9, 1951

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO ..... RAHIMULLAH FOX ..... DR.

14 Spring Rock Rd., New Windsor, N. Y. 12553

DATE	CLAIMED	ALLOWED
10/27/00	Refund of Comm Report #99-34	\$136.50
<p>Approved: Patricia A. Corsetti ZBT</p>		

STATE OF NEW YORK,  
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here .....

No. ....

Town of New Windsor

Nature .....

Amount Claimed \$ .....

Amount Allowed \$ .....

Filed .....

I hereby certify that at a meeting of  
said Town Board held at the office of the  
Town Clerk on the ..... day

of ..... 19.....

the within claim was audited and allowed

for the sum of

\$ .....

Clerk

Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(814) 563-4611

**RECEIPT**  
**#449-2000**

**06/13/2000**

**Fox, Kathleen**  
**14 Spring Rock Rd**  
**New Windsor, NY 12553**

**Received \$ 50.00 for Zoning Board Fees, on 06/13/2000. Thank you for stopping by the Town Clerk's office.**

**As always, it is our pleasure to serve you.**

**Dorothy H. Hansen**  
**Town Clerk**



TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 99-34

Date: 3/26/2000

914-565-9918

I. ✓ Applicant Information:

- (a) Thomas and Kathleen Foy, 14 Spring Rock Road, New Windsor  
(Name, address and phone of Applicant) (Owner)
- (b) \_\_\_\_\_  
(Name, address and phone of purchaser or lessee)
- (c) \_\_\_\_\_  
(Name, address and phone of attorney)
- (d) BRENDAN DOOLEY, 388 BLOOMING GROVE TPK, NEW WINDSOR NY  
(Name, address and phone of contractor/engineer/architect) 1253

Phone  
569-0732

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

✓ III. Property Information:

- (a) R-4 14 SPRING ROCK ROAD, New Windsor 443-1-64 110 x 126  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? \_\_\_\_\_
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? DECEMBER 1991
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? Yes  
If so, when? 5/99
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: THERE IS A STORAGE SHED FOR USE OF HOLDING LAWN MOWER,

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow: \_\_\_\_\_  
(Describe proposal) \_\_\_\_\_

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

*80 (Vb)*  
THE DECK IS BEING ADDED TO THE BACK OF MY KITCHEN AND IN NO WAY IS IT GOING TO DELETE FROM MY NEIGHBORS PROPERTY OR MY OWN. IT WILL ENHANCE THE APPEARANCE OF MY REAR YARD.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes      No ✓.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>                    </u>	<u>                    </u>	<u>                    </u>
Min. Lot Width <u>                    </u>	<u>                    </u>	<u>                    </u>
Reqd. Front Yd. <u>                    </u>	<u>                    </u>	<u>                    </u>
Reqd. Side Yd. <u>                    </u>	<u>                    </u>	<u>                    </u>
Reqd. Rear Yd. <u>40 ft.</u>	<u>30 ft.</u>	<u>10 ft.</u>
Reqd. Street Frontage* <u>                    </u>	<u>                    </u>	<u>                    </u>
Max. Bldg. Hgt. <u>                    </u>	<u>                    </u>	<u>                    </u>
Min. Floor Area* <u>                    </u>	<u>                    </u>	<u>                    </u>
Dev. Coverage* <u>                    </u> %	<u>                    </u> %	<u>                    </u> %
Floor Area Ratio** <u>                    </u>	<u>                    </u>	<u>                    </u>
Parking Area <u>                    </u>	<u>                    </u>	<u>                    </u>

\* Residential Districts only

\*\* No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

X \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, \_\_\_\_\_ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_  
\_\_\_\_\_

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or



(b) Variance: Granted (\_\_\_\_) Denied (\_\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

DATE		CLAIMED	ALLOWED
3/27/00	New Windsor Zoning Board Mtg	75.00	
	Misc - 3		
	Fox - 4 18.00		
	Execucorp/Lewis Sign - 3		
	Bryan - 4		
	HZ Development - 4		
	18	81.00	
		156.00	

PRELIMINARY MEETING

FOX, KATHLEEN

MR. TORLEY: Request for 10 ft. rear yard variance for construction of deck at 14 Spring Rock Road in an R-4 zone.

Mrs. Kathleen Fox appeared before the board for this proposal.

MR. TORLEY: Tell us what you want to do. Speak loud enough so our stenographer can hear you.

MRS. FOX: We want to put a deck off our patio door so it will be close to the pool.

MR. KANE: How big of a deck?

MRS. FOX: Ten by ten.

MR. TORLEY: And the ten foot deck and your house is actually at the rear line now?

MRS. FOX: It's ten feet longer than what it should be.

MR. KANE: Which means she probably just has the 40 foot right to the back of the house.

MR. KANE: Mr. Chairman, excuse me.

MR. TORLEY: I see there's an existing deck now.

MRS. FOX: Right, that's attached to the pool.

MR. TORLEY: I'm looking at the plot plan, you're putting a ten foot deck, we need a ten foot variance.

MRS. FOX: Says ten feet too close.

MR. TORLEY: Shows we need a ten foot variance request, she's putting up a ten foot deck attached to her house.

MR. KANE: Is this off the back of the house?

MRS. FOX: Yes, right off the patio doors.

MR. TORLEY: Shows there's a 16 x 16 freestanding deck now.

MR. BABCOCK: That's proposed, she's got 46 feet to the house, she's going out 16 feet with the deck so now she's 30 feet from the property line, she needs to be 40.

MR. TORLEY: You said ten foot by ten foot deck?

MR. BABCOCK: No, it's 16 x 16.

MRS. FOX: Okay, I'll take your word for it.

MR. TORLEY: I'm trying to figure out how you can need a ten foot variance with a ten foot deck unless your house is right on the line.

MR. KANE: The sliding doors are existing in the house?

MRS. FOX: Yes, they are.

MR. KANE: So without the deck coming off that, what would you have leading from the sliders out?

MRS. FOX: That's the neighbor to the back of us, that's where the proposed deck is going to be where my husband is.

MR. KANE: Without the deck and the sliders, if you stepped out, it's kind of a safety hazard?

MRS. FOX: The dog can do it but I can't.

MR. KANE: This is the smallest deck that fits your needs?

MRS. FOX: Yes.

MR. BABCOCK: Larry, if you look at the deck, the pool, there's also a proposed small ten by ten deck that's on the pool, maybe that's what you're talking about.



MRS. FOX: Maybe that was the one.

MR. BABCOCK: They want to go out far enough so they can have a walkway going from the house deck to the pool deck.

MR. TORLEY: So it makes a continuous unit.

MR. BABCOCK: Actually, it's a walkway from one deck to the other, yeah.

MR. TORLEY: But you need ten foot rear yard?

MR. BABCOCK: That's correct.

MR. KANE: Mr. Chairman, accept a motion?

MR. TORLEY: Yes.

MR. KANE: I move that we set up Ms. Kathleen Fox for a public hearing on her requested variance at 14 Spring Rock Road.

MR. MC DONALD: Second it.

ROLL CALL

MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

MR. TORLEY: What you have just gone through is a preliminary meeting, so you get the idea what kind of questions we have to ask. By law, we have to do everything at a public hearing so we're giving you some paperwork to go through the procedure, it's an intelligible government form, it's unusual, but it is. Follow those directions and our lawyer will tell you a few things for guidance at the public hearing.

MR. KRIEGER: There are criteria that the State sets forth on which the zoning board must decide. Those criteria are set forth on that paper there by the photograph, if you'd take that with you and address

yourself to those criteria at the public hearing that would be helpful.

MRS. FOX: Okay.

MR. TORLEY: Make sure you talk to your neighbors, you're going to be sending out a letter to them, sometimes a letter is not very informative, legal gobbledegook.

MS. BARNHART: Excuse me, it's a legal notice.

MR. TORLEY: That often is the case so they understand what you're trying to do, not trying to put up a hazardous waste dump.

MRS. FOX: How many neighbor do I need to speak to?

MS. BARNHART: Read your procedure, tells you what to do.

MR. TORLEY: Talk to your immediate neighbors because those are the most affected but everybody on the list is going to get a letter.

MRS. FOX: And you have that?

MR. KANE: It's right there on the form.

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE  
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

PRINT OR TYPE: BLACK INK ONLY

THOMAS W. BERG III  
NANCY LEE BERG

TO

THOMAS FOX  
KATHLEEN FOX

SECTION 43 BLOCK 1 LOT 64

RECORD AND RETURN TO:  
(Name and Address)

JONATHAN LEVINE, ESO.  
P. O. Box 540  
85 New Main Street  
Havestraw, NY 10927

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH  
RECORDED INSTRUMENT ONLY.

DO NOT WRITE BELOW THIS LINE

CONTROL NO. 62163 DATE 12/19/91 AFFIDAVIT FILED 19

INSTRUMENT TYPE: DEED X MORTGAGE        SATISFACTION        ASSIGNMENT        OTHER       

BG20 Blooming Grove  
CH22 Chester  
CO24 Cornwall  
CR26 Crawford  
DP28 Depark  
GO30 Goshen  
GR32 Greenville  
HA34 Hamptonburgh  
HI36 Highlands  
MK38 Minisk  
ME40 Monroe  
MY42 Montgomery  
MH44 Mount Hope  
NT46 Newburgh (T)  
NW48 New Windsor  
TU50 Tuxedo  
WL52 Wallkill  
WK54 Warwick  
WA56 Wawayanda  
WO58 Woodbury  
MN09 Middletown  
NC11 Newburgh  
PJ13 Port Jervis  
9999 Hold

SERIAL NO.                     

Mortgage Amount \$                     

Exempt Yes        No       

3-6 Cooking Units Yes        No       

Received Tax on above Mortgage

Basic \$                     

MTA \$                     

Spec. Add. \$                     

TOTAL \$                     

CHECK X CASH        CHARGE       

MORTGAGE TAX \$                     

TRANSFER TAX \$ 526.00

ED. FUND \$ 8.00

RECORD. FEE \$ 17.00

REPORT FORMS \$ 30.00

CERT. COPIES \$                     

MARION S. MURPHY  
Orange County Clerk


by                     

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on DEC 19 1991  
at 12:23 O'clock P. M.  
In Liber/Film 3536 Deeds  
Signed Marion S. Murphy and examined                       
County Clerk

Verast Monte  
RECEIVED  
\$ 526.00  
REAL ESTATE  
DEC 19 1991  
TRANSFER TAX  
ORANGE COUNTY

LIBER 3536 PAGE 217

STATE OF NEW YORK (COUNTY OF ORANGE) SS:  
I, DONNA L. BENSON, COUNTY CLERK AND CLERK OF THE SUPREME AND COUNTY  
COURTS, ORANGE COUNTY, DO HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH  
THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE ON 12-19-91  
AND THE SAME IS A CORRECT TRANSCRIPT THEREOF.  
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL  
 MAY 10 2010  
Donna L. Benson  
COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS, ORANGE COUNTY

ORC 12/19/91 12:03:47 34544 47.00  
\*\*\*\*\* EDUCATION FUND: 5.00 \*\*\*\*\*  
DEED CONTROL NO: 62163 526.00  
\*\*\*\*\* SERIAL NUMBER: 003245 \*\*\*\*\*

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 10th day of December, nineteen hundred and ninety-one.  
BETWEEN THOMAS W. BERG, III and NANCY LEE BERG, residing at  
14 Spring Rock Road, New Windsor, New York 12553

UM44184757

party of the first part, and

THOMAS FOX AND KATHLEEN FOX, residing at 2109 Route 94,  
Salisbury Mills, New York 12577,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of -----TEN-----

-----(\$10.00)----- dollars,

lawful money of the United States, and other good and valuable consideration----- paid

by the party of the second part, have hereby grant and release unto the party of the second part, the heirs or  
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,  
lying and being ~~XXXXXX~~ more particularly described on the attached Schedule "A".

BEING the same premises described in that certain deed dated July 1, 1971  
from JACOB L. COOPER AND MARION L. COOPER to THOMAS W. BERG, III and  
NANCY LEE BERG, which deed was recorded in the Orange County Clerk's Office  
on July 2, 1971 in Liber 1877 at page 550.

TIT  
526.00  
T/Rawson  
43-1-64

## LEGAL DESCRIPTION

ALL that certain lot, piece or parcel of land situate, lying and being in the Town of New Windsor, County of Orange and State of New York; known and designated as Lot No. 81 on a certain map known as "Plan of Subdivision, Section B, of Forge Hill Estates" Town of New Windsor, Orange County, N.Y. which map was dated January 20, 1958 was made by Eustance and Horowitz, Engineers, and was filed in the Orange County Clerk's Office December 15, 1959, map #1848 being more particularly bounded and described as follows:

BEGINNING at a point on the northerly road line of Spring Rock Road at the division line of Lots No. 81 and 82 of the aforementioned map, said point of beginning being located North 62 degrees 06 minutes 00 seconds West, a distance of 102.27 feet from the intersection of the northerly road line of Spring Rock Road and the westerly road line of Chimney Corner;

THENCE North 62 degrees 06 minutes 00 seconds West for a distance of 16.70 feet along the northerly road line of Spring Rock Road to a point of curvature;

THENCE along a curve to the left having a radius of 394.92 feet and an arc length of 93.20 feet, being subtended by a chord of North 68 degrees 50 minutes 57 seconds West for a distance of 92.98 feet along the northerly road line of Spring Rock Road to a point at the division line of Lots #80 and 81 of the aforementioned map;

THENCE North 12 degrees 03 minutes 30 seconds East for a distance of 118.04 feet along the division line of said lots being the easterly bounds of lands now or formerly of Shenker, Liber 1821, Page 444 to a point;

THENCE South 71 degrees 33 minutes 50 seconds East for a distance of 143.21 feet along the division line of Lots No. 81 and 83 of the aforementioned filed map being the southerly bounds of lands now or formerly of D'Ambrosio, Liber 2111, Page 814 to a point;

THENCE South 27 degrees 54 minutes 00 seconds West for a distance of 126.18 feet along the division line of Lots No. 81 and 82 of the aforementioned map being the westerly bounds of lands now or formerly of Metzner, Liber 1689, Page 54 to the POINT OR PLACE OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 0.3448 acres more or less.

The parcel above is described according to a field survey completed on November 23, 1991 by Steven P. Drabick, PLS. Bearings refer to filed map meridian.

SCHEDULE "A"

LIB 3536 MAR 219

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center line thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

RECORDED  
INDEXED  
FEB 10 1974  
LIBRARY  
AMERICAN TITLE & TRUST CO.

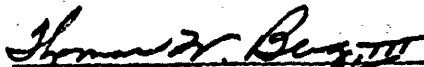
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this instrument so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

  
THOMAS W. BERG III

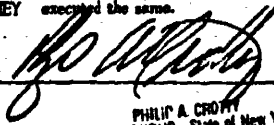
  
NANCY LEE BERG

LIBR 3536 PAGE 220

STATE OF NEW YORK, COUNTY OF ORANGE

On the 10th day of December 19 91, before me personally came  
THOMAS W. BERG III AND NANCY LEE BERG

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that THEY executed the same.



PHILIP A. CROFFY  
NOTARY PUBLIC - State of New York  
Qualified in Orange County  
Reg. No. 4520410  
Commission Expires March 30, 1992

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came  
to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the  
of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came  
the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

VINCENT J. MONTE AGENCY, INC.  
Title Insurance  
87 NORTH MAIN STREET  
NEW CITY, NEW YORK 10888  
914-834-0808

Margain and Sale Deed  
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

THOMAS W. BERG III and  
NANCY LEE BERG

TO

THOMAS FOX  
KATHLEEN FOX

SECTION 43  
BLOCK 1  
LOT 64  
COUNTY OR TOWN

RETURN BY MAIL TO:

JONATHAN LEVINE, ESQ.  
P. O. Box 540  
85 New Main Street  
Havestraw, NY 10927

Zip No.

Reserve this space for use of Recording Office.

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# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (914) 563-4631  
Fax: (914) 563-4693

## Assessors Office

May 15, 2000

80

Kathleen Fox  
14 Spring Rock Rd  
New Windsor, NY 12553

Re: 43-1-64

Dear Ms. Fox

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$ 95.00 ,minus your deposit of \$25.00.

Please remit the balance of \$70.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook  
Sole Assessor

LC/ bw  
Attachments

CC: Pat Corsetti, ZBA



William & Mary Nickel X  
14 Hart Drive  
New Windsor, NY 12553

Charles & Linda Baranski X  
10 Hudson Drive  
New Windsor, NY 12553

Thomas & Barbara Behany Y  
11 Spring Rock Road  
New Windsor, NY 12553

Carlo & Rosa Amato X  
2142 E.63 rd Street # 1  
Brooklyn, NY 11234-6302

Raymond & Elizabeth Lagoy K  
12 Hudson Drive  
New Windsor, NY 12553

Barbara Dieckmann X  
6 Horse Shoe Bend  
New Windsor, NY 12553

Robert & Theresa Parker X  
18 Harth Drive  
New Windsor, NY 12553

David & Debra Albrecht X  
14 Hudson Drive  
New Windsor, NY 12553

Sidney & Edna Weinheim X  
8 Horse Shoe Bend  
New Windsor, NY 12553

William & Diane Greeney X  
20 Harth Drive  
New Windsor, NY 12553

Stephen Fordenbacher X  
2 Stone Ledge Lane  
New Windsor, NY 12553

Christopher & Maureen Clayton X  
10 Horse Shoe Bend  
New Windsor, NY 12553

Olive A Wilson X  
22 Harth Drive  
New Windsor, NY 12553

Robert & Sheila Kundin X  
3 Stone Ledge Lane  
New Windsor, NY 12553

Patricia Guttilla X  
12 Horse Shoe Bend  
New Windsor, NY 12553

Orbert Crosby Jr. & Alissa Werner X  
24 Harth Drive  
New Windsor, NY 12553

Michael J. Jr. & Frances Dunn X  
1 Stone Ledge Lane  
New Windsor, NY 12553

Louis & Suzanne Dawes X  
14 Horse Shoe Bend  
New Windsor, NY 12553

Norma J. Patterson & Edward Rotondi X  
2 Hudson Drive  
New Windsor, NY 12553.

William & Mary O'Keefe X  
5 Split Tree Drive  
New Windsor, NY 12553

Henry & Agnes Davis Sr. X  
15 Horse Shoe Bend  
New Windsor, NY 12553

Timothy & Donna Conklin X  
4 Hudson Drive  
New Windsor, NY 12553

Darwood & Lois Dodd X  
Hill House  
2021 Mountain Rd  
Otisville, NY 10963

John Davies & Janet Prescott Davies X  
13 Horse Shoe Bend  
New Windsor, NY 12553

Elizabeth Ocskay & Mary L. Irvine X  
6 Hudson Drive  
New Windsor, NY 12553

Anthony Costa X  
1 Split Tree Drive  
New Windsor, NY 12553

Lynn Mills Wolfinger X  
11 Horse Shoe Bend  
New Windsor, NY 12553

Mark L & Diane Wentzel X  
8 Hudson Drive  
New Windsor, NY 12553

William & Betty Moore X  
13 Spring Rock Road  
New Windsor, NY 12553

John & Carolyn Edge X  
9 Horse Shoe Bend  
New Windsor, NY 12553

Thomas & Peggy Scalli  
7 Horse Shoe Bend  
New Windsor, NY 12553

Cheryl & Paul Ciaccio  
4 Chimney Corner Rd  
New Windsor, NY 12553

Maria, Sandra & William Marulanda  
26 Spring Rock Rd  
New Windsor, NY 12553

John & Barbara Baldwin  
5 Horse Shoe Bend  
New Windsor, NY 12553

Richard & Frances Butler  
6 Chimney Corner Rd  
New Windsor, NY 12553

Eric & Celine Maxwell  
1 Birchwood Dr  
New Windsor, NY 12553

Stephen & Eileen Power  
3 Horse Shoe Bend  
New Windsor, NY 12553

Everette & Patrice Henry  
5 Chimney Corner Rd  
New Windsor, NY 12553

Robert & Rhoda Smith  
9 Hudson Dr  
New Windsor, NY 12553

Gary & Melinda Vyskocil  
1 Horse Shoe Bend  
New Windsor, NY 12553

Martha C Leonard  
3 Chimney Corner Rd  
New Windsor, NY 12553

Vincent Pacella  
7 Hudson Dr  
New Windsor, NY 12553

Town of New Windsor  
555 Union Ave  
New Windsor, NY 12553

Sally F Metzner  
1 Chimney Corner Rd  
New Windsor, NY 12553

Manuel & Diana DeSousa  
5 Hudson Dr  
New Windsor, NY 12553

Thomas & Kim Schlett  
6 Spring Rock Rd  
New Windsor, NY 12553

Martin & Bette Shenker  
16 Spring Rock Rd  
New Windsor, NY 12553

Raymond & Janet Sullivan  
3 Hudson Dr  
New Windsor, NY 12553

Dino F Fratto  
8 Spring Rock Rd  
New Windsor, NY 12553

Joseph & Cecelia Piqueras  
18 Spring Rock Rd  
New Windsor, NY 12553

Felice Graziano  
21 Harth Dr  
New Windsor, NY 12553

Mercedes Ponesse L. E.  
Louis & Louise Pisano Sr.  
16 Ona Lane  
New Windsor, NY 12553

Gerald & Diane Evans  
20 Spring Rock Rd  
New Windsor, NY 12553

Sergio & Silvana Riccitelli  
19 Harth Dr  
New Windsor, NY 12553

Robert & Margaret Tobin  
12 Spring Rock Rd.  
New Windsor, NY 12553

Peter & Frances Rapa  
22 Spring Rock Rd  
New Windsor, NY 12553

Frederick & Jean Melick  
17 Harth Dr  
New Windsor, NY 12553

Lois Lyon  
2 Chimney Corner Rd  
New Windsor, NY 12553

Joseph & Norma Casillo  
24 Spring Rock Rd  
New Windsor, NY 12553

Ted & Elizabeth Tym  
15 Harth Dr  
New Windsor, NY 12553

John & Diana Fraine  
27 Spring Rock Rd  
New Windsor, NY 12553

Leonard & Geraldine McDonald  
12 Split Tree Dr  
New Windsor, NY 12553

John J Ponessa  
25 Spring Rock Rd  
New Windsor, NY 12553

Harriet Odell  
2 Birchwood Dr  
New Windsor, NY 12553

Gerald Gruenmagen  
23 Spring Rock Rd  
New Windsor, NY 12553

Arlene Swint  
1 Hudson Dr  
New Windsor, NY 12553

Douglas & Sunnie Whitelegg  
21 Spring Rock Rd  
New Windsor, NY 12553

Audrey & Harry C III Tompkins  
26 Harth Dr  
New Windsor, NY 12553

John & Marion Seymour  
19 Spring Rock Rd  
New Windsor, NY 12553

Linda Linarello & Gregory Simoskevich  
28 Harth Dr  
New Windsor, NY 12553

Michael & Jodi Visconti  
2 Split Tree Dr  
New Windsor, NY 12553

George J Meyers, Supervisor  
Town of New Windsor  
555 Union Ave  
New Windsor, NY 12553

Joseph & Cynthia Bottali  
4 Split Tree Dr  
New Windsor, NY 12553

Dorothy H Hansen, Town Clerk  
Town of New Windsor  
555 Union Ave  
New Windsor, NY 12553

William & Mary Dickman  
6 Split Tree Dr  
New Windsor, NY 12553

Andrew Krieger, ESQ  
219 Quassaick Ave  
New Windsor, NY 12553

Giachino & Marie D'Angelo  
8 Split Tree Dr  
New Windsor, NY 12553

James R. Petro, Chairman  
Planning Board  
555 Union Ave  
New Windsor, NY 12553

Thomas & Joan Alessandro  
10 Split Tree Dr  
New Windsor, NY 12553

Mark J Edsall, P.E.  
McGoey and Hauser  
Consulting Engineers, P.C.  
45 Quassaick Ave  
New Windsor, NY 12553

Date ....., 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... Frances Roth..... DR.  
168 N. Drury Lane  
Newburgh, N.Y. 12550.....

DATE	CLAIMED	ALLOWED
8/9/99	75 00	
Zoning Board Mtg Misc - 2		
Fox - 1 \$4.50		
Rinaldi - 4		
Windsor Academy - 15		
Wolf - 6		
Kadian - 2		
Barbera - 3		
Yannone - 2		
Clement - 2	166 50	
37	241 50	

August 9, 1999

2

PRELIMINARY MEETING:

FOX, KATHLEEN:

MR. NUGENT: Request for 10 ft. rear yard variance for proposed deck at 14 Spring Rock Road in an R-4 zone.

(No Show)